

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**JOSE RUBIANI,**

**Plaintiff**

**v.**

**JAMES DONALD, et al.,**

**Defendants**

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**5:05-CV-194 (WDO)**

**ORDER**

Having carefully considered the Magistrate Judge's Report and Recommendation in this matter, and there being no objections thereto, the Recommendation is ADOPTED AND MADE THE ORDER OF THE COURT. Defendants' motion for summary judgment on the deliberate indifference and First Amendment claims is GRANTED and Plaintiff's state law claims are DISMISSED WITHOUT PREJUDICE.

**SO ORDERED this 3<sup>rd</sup> day of October, 2006.**

**S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE**